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FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MANUEL SANCHEZ
a/k/a Manuel Guzman Lara,
Ernesto Vega,
Jesus Bravo Vega,

Defendant.

No. CR 12 00871-MAG

STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME FOR
PRELIMINARY HEARING AND
EXCLUDING TIME FROM SPEEDY
TRIAL ACT CALCULATION

The Parties, Manuel Sanchez, and the United States, acting through respective counsel,
hereby stipulate as follows:

1. The defendant is presently charged by information for a violation of Title 18, United States Code Section 1028(a)(4), possession of an identification document with intent to defraud the United States .

2. Currently, the preliminary hearing is set for December 13, 2012, at 1:30 p.m., before Magistrate Howard R. Lloyd.

1 3. The United States has provided discovery materials and a proposed plea agreement to
2 defense counsel. The parties are requesting the continuance of the hearing due to the need for
3 additional time for effective preparation, the need to jointly negotiate a resolution in this matter,
4 and for the continuity of counsel, given that government counsel will not be available on
5 December 13, 2012.

6 4. The parties jointly request, subject to the Court's approval, that the hearing currently set
7 for December 13, 2012 at 1:30 p.m. be vacated, and that the hearing be re-set for December 18,
8 2012 at 1:30 p.m.

9 5. Defendant Manuel Sanchez consents to an extension of time for the preliminary hearing
10 date under Federal Rule of Criminal Procedure 5.1(c) and (d) and the exclusion of time under the
11 Speedy Trial Act, 18 U.S.C. § 3161, from December 13, 2012, to December 18, 2012.

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13 STIPULATED:

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15 DATED: December 11, 2012

MELINDA HAAG
United States Attorney

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17 /s/
18 CAROLYNE A. SANIN
Special Assistant United States Attorney

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20 /s/
21 MANUEL ARAUJO
Attorney for Defendant

~~PROPOSED~~ ORDER

Based upon the stipulation of the parties, the Court finds and holds as follows:

1. The defendant is presently charged by information for a violation of Title 18, United States Code Section 1028(a)(4).

2. With the defendant's consent, the twenty-one day time limit for a preliminary hearing or indictment under F.R.Crim.P. 5.1© is extended, and time is excluded from calculation of the thirty-day time limit for information or indictment under 18 U.S.C. § 3161(b). The United States has provided discovery materials and a proposed plea agreement to defense counsel. The parties are requesting the continuance of the hearing due to the need for additional time for effective preparation, the need to jointly negotiate a resolution in this matter, and for the continuity of counsel, given that government counsel will not be available on December 13, 2012. Accordingly, the extension and exclusion are required for effective preparation of defense counsel.

3. There is good cause for the extension under F.R.Crim.P. 5.1, and the exclusion under 18 U.S.C. § 3161, and that the ends of justice served by granting this continuance outweigh the best interests of the public and of the defendant in a speedy trial and the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A). The Court further finds that failure to grant the continuance would deny counsel for all parties reasonable time necessary for effective preparation taking into account the exercise of due diligence under 18 U.S.C. § 3161(h)(8)(B)(iv).

4. Accordingly, and with the consent of the defendant, the Court sets a date and orders that the period from December 13, 2012 to December 18 2012 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: 12/12/12

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE